

ATTACHMENT C

Respondent Attorney Performance Standards

Practice Standards

- The RA zealously represents the expressed interests of the respondent;
- The RA represents and protects the respondent's expressed cultural needs;
- The RA represents the respondent in accordance with the Rules of Professional Conduct, Rules 16-100 through 16-805 (2008), and all other applicable laws;
- The RA represents the respondent in accordance with the confidentiality requirements of the New Mexico Children's Code, Section 32A-4-33 NMSA 1978.

Training Standards

- The RA participates in at least ten (10) hours of relevant annual training.

Contact and Continuity of Counsel Standards

After consultation with the respondent/client

- The RA meets with the respondent in advance of custody hearings, adjudicatory hearings, dispositional hearings, judicial reviews, permanency hearings, and other court proceedings to ascertain the need for witnesses or other evidence to be presented; the RA also meets with the respondent prior to mandatory pre-adjudicatory and pre-permanency meetings scheduled in accordance with the provisions of the Children's Code;
- The RA counsels the respondent, in a manner understandable to the client, on the subject matter of the litigation, the rights of the custodial and non-custodial parent, the court system, the proceedings, the RA's role, and what to expect in the legal process;
- The RA explains court orders and their consequences to the respondent;
- The RA is accessible to the respondent through office hours, telephone/voicemail, fax, or email;
- The RA attends treatment team meetings, administrative hearings, Citizen Review Board meetings, and other conferences and staffings concerning the respondent or the respondents' child, whenever possible;
- The RA informs the client of the right to appeal and discuss the nature of an appeal; if the client chooses to appeal, the RA continues

representation through the filing of the docketing statement and requests the appointment of an appellate attorney;

- If there is no appeal, the RA continues representation through dismissal, unless removed or relieved by the court; and
- In the event of a change of venue, the originating RA remains on the case until a new RA is appointed by the court in the new venue and the new RA has communicated with the former RA.

Standards for Gathering and Reviewing Information

After consultation with the respondent/client:

- The RA is responsible for gathering and reviewing information, including:
 - Interviews with parents, caseworkers, and service providers; and interviews as appropriate with foster parents and other caretakers, school personnel, neighbors, relatives, clergy, law enforcement and others;
 - Contact with lawyers for other parties and the CASA;
 - Review of the respondent's, child's, and family's social services, psychiatric, psychological, drug and alcohol, medical, law enforcement, school, and other records relevant to the case, as available;
 - Review of the court files of the respondent, child, and family, and case-related records of the social service agency and other service providers; and
 - Review of photographs, videos, or audiotapes and other evidence.
- The RA obtains the necessary authority for the release of information;
- The RA personally observes the child's interaction with parents, or with whomever the child may be reunited, when reunification is anticipated, as needed.

Case Planning Standards

After consultation with the respondent/client:

- The RA consults with the social worker, and health care, mental health care, and other professionals involved with the respondent's service plan;
- The RA requests services (by court order if necessary) to meet the respondent's needs, to protect the respondent's interests, and to ensure a comprehensive service plan.

- These services may include but are not limited to:
 - Screening and diagnostic services
 - Family preservation and reunification services
 - Family visitation
 - Medical and mental health care
 - Drug and alcohol treatment
 - Domestic violence prevention, intervention, or treatment;
 - Home-based services
 - Parenting education
 - Inclusion of the respondent in IEP and other special education services as the responsible signatory, if appropriate
 - Education and training
 - Social Security Income (SSI) to help support needed services
 - Recreational or social services
 - Housing
- The RA monitors implementation of the case plan;
- The RA communicates with the Court Appointed Special Advocate (CASA); and
- The RA communicates with the court the respondent's position on the service plans for the respondent and child; issues about the child's placement and the respondent's goals.

Court Performance Standards

After consultation with the respondent/client:

- The RA participates in custody hearings, adjudicatory hearings, dispositional hearings, judicial reviews, permanency hearings, other court proceedings, and mandatory pre-adjudicatory and pre-permanency meetings scheduled in accordance with the provisions of the Children's Code;
- The RA reports to the court on the respondent's compliance with the prior court orders and treatment plans;
- The RA presents evidence of the reasonableness or unreasonableness of the Department's efforts and on alternative efforts that could have been made;
- The RA participates in mediation;
- The RA stays informed of the child and family's involvement with family group decision making, family drug court, and other court sanctioned programs;
- The RA files petitions, motions, and responses and makes objections as necessary to represent the respondent. If appropriate, the RA files

briefs in support of evidentiary issues. During all hearings, the RA preserves legal issues for appeal, as appropriate. Relief requested may include but is not limited to:

- Obtaining necessary services;
 - A mental or physical examination of a party;
 - A parenting, custody or visitation evaluation;
 - An increase or decrease of contact or visitation;
 - Contempt for non-compliance with a court order; and
 - Dismissal of petitions or motions
- The RA presents and cross examines witnesses, offers exhibits, and provides independent evidence as necessary;
 - The RA prepares the respondent to testify; the RA familiarizes the respondent with court procedures, and what to expect during direct and cross-examination;
 - The RA requests orders that are clear, specific, and where appropriate, include a timeline for assessment, services, and evaluation;
 - The RA reviews all written orders to ensure they conform with the court's verbal orders and statutorily requires findings and notices;
 - The RA monitors the implementation of the court's orders and reports any noncompliance;
 - If appropriate, the RA makes a closing argument and provides proposed findings of fact and conclusions of law. The RA ensures that a written order is entered and;
 - The RA works diligently to avoid continuances and reduce delays in court proceedings.